

REMARKS

I. INTRODUCTION

Claims 1-3, 5-27, 29-31 and 33-55 have been amended above to remove minor informalities therefrom, but not for any reasons relating to patentability thereof. Accordingly, claims 1-55 are now under consideration in the present application. It is respectfully asserted that no new matter has been added in the present application.

II. RESTRICTION REQUIREMENT

In the Office Action, the Examiner alleges that certain groups of claims of above-identified application are not so linked so as to form a single general inventive concept under PCT Rule 13.1. For such reason, the Examiner believes that the claims pending in the present application should be restricted under 35 U.S.C. 121 and 372, and now requires Applicant to elect one of the following groups:

Group A: claims 1-40, drawn to apparatus and method for cutting heart chords; and

Group II: claims 41-55, drawn to apparatus and method for elongating heart chords.

Applicants hereby elect Group A, i.e., claims 1-40, without traverse.

The Examiner further alleges that the present application contains claims directed to more than one species of the generic invention, and that these species lack unity of invention because they are not so linked as to form a single inventive concept under PCT Rule 13.1. The purported species are as follows:

- Species 1, embodiment 1, catheter with blade cutting means (claims 1 and 2)
- Species 2, embodiment 2, catheter with laser cutting means (claims 1 and 3)
- Species 3, embodiment 3, catheter with radiofrequency cutting means (claims 1 and 4)

- Species 4, embodiment 4, catheter with curved end (claims 1 and 5)
- Species 5, embodiment 5, catheter with steering means (Fig. 7) (claims 1 and 6-7)
- Species 6, embodiment 6, catheter with extendable cutter (claims 1 and 8)
- Species 7, embodiment 7, catheter with notched end (claims 1 and 9-10)
- Species 8, embodiment 8, catheter with grasping means (claims 1 and 11-14)
- Species 9, embodiment 9, catheter with jaws at end (Fig. 5) (claims 1 and 15)
- Species 10, embodiment 10, catheter with pincers at end (Fig. 6) (claims 1 and 16)
- Species 11, embodiment 11, catheter with introducer (Fig. 7A) (claims 1 and 17-25)
- Species 12, embodiment 12, method for cutting chord attaching an atrioventricular leaflet to an internal cardiac muscle (claims 26-40)
- Species 13, embodiment 13, catheter with means for elongating chord (Fig. 9) (claims 41-46)
- Species 14, embodiment 14, method for elongating chord attaching an atrioventricular leaflet to an internal cardiac muscle (claims 47-55)

Applicants hereby respectfully traverse this species restriction requirement among the purported species 1-12 above, as set forth in the Restriction Requirement of the Office Action, but provisionally elect species 1 (i.e., claims 1 and 2).

It is further that 37 C.F.R. § 1.146 indicates that the Examiner has discretion in requiring an election of identified species. However, Applicants respectfully assert that each of the species election requirements contained in purported species 1-


12 of the elected Group A (claims 1-40) would likely not require separate searches and consideration of different fields of research, nor place an undue burden on the Patent Office. Applicants note that each of these allegedly distinct species recites a method or an apparatus for treating atrioventricular valve regurgitation which includes severing of one or more chords. Thus, Applicants respectfully traverse this species restriction requirement set forth in the Office Action, and request that it be withdrawn.

III. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all elected claims 1-40 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Examiner is invited to contact the undersigned to expedite the prosecution of this application if any issues remain outstanding.

Respectfully submitted,

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